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Executive Director

November 27, 2019

Jared Larsen
Office of the Governor

Adam Jarvis
Division of Financial Management

Re: FY 2020 and FY 2021 Spending Reset

Dear Mr. Larsen and Mr. Jarvis:

The Public Defense Commission has completed the regular awards and distribution of financial assistance to the counties for FY 2020. The allocation and distribution of financial assistance are as follows:

	<u>Allocation</u>	<u>Distribution</u>
15% of Local Share	\$10,012,600	\$4,702,909
Workload Compliance		4,318,982
Joint/Merger	<u>150,000</u>	<u>100,000</u>
TOTAL	\$10,162,600	\$9,121,891

FY 2020 is the first time that financial assistance has been awarded to meet workload compliance. Assuming no additional distributions are made, \$1,040,708, or 9.05% of the total agency appropriation, will be reverted for the current fiscal year. The Governor's requested 1% early reversion from the FY2020 appropriation (\$114,980) is available from the financial assistance (Trustee & Benefits) funds.

The Commission proposes meeting the FY 2021 2% base reduction from Trustee and Benefits. Past reversions from that budget have exceeded 2% and we expect to revert approximately 2% from Trustee and Benefits next year. The Commission also wants to avoid supplemental requests and asks for flexibility to move funds within the budget, for example from Operating Expenses to Personnel Costs. With the targeted base reduction and spending flexibility, the Commission can accomplish its statutory directives for FY 2021. The Commission strives to use funds where they will best serve our mission and public defense.

		FTP	PC	OE	CO	T/B	LS	Total
Public Defense Commission								
0001-00	Gen	0.00	0	0	0	(115,000)	0	(115,000)
Total:		0.00	0	0	0	(115,000)	0	(115,000)
Totals By Fund:								
General								
0001-00	Gen	0.00	0	0	0	(115,000)	0	(115,000)
		0.00	0	0	0	(115,000)	0	(115,000)
Division Total:		0.00	0	0	0	(115,000)	0	(115,000)

Public Defense Commission

Agency Profile

Analyst: Hoskins

FY 2020 PDC Distributions to Counties (TB) as of December 7, 2019				
County	Formula Grants	Merger Incentive	Extraordinary Litigation Costs	Total Amount Distributed
Ada	1,347,568			1,347,568
Adams	47,800			47,800
Bannock	1,352,749			1,352,749
Bear Lake	46,900			46,900
Benewah	25,000			25,000
Bingham	173,395			173,395
Blaine	83,392			83,392
Boise	35,000			35,000
Bonner	302,491			302,491
Bonneville	678,479		7,645	686,123
Boundary	25,000		4,000	29,000
Butte	48,000			48,000
Camas	20,360			20,360
Canyon	655,877			655,877
Caribou	35,000			35,000
Cassia	187,922	25,000		212,922
Clark	0			0
Clearwater	38,082			38,082
Custer	45,000			45,000
Elmore	130,389			130,389
Franklin	27,566			27,566
Fremont	35,000			35,000
Gem	79,558			79,558
Gooding	138,539			138,539
Idaho	29,720			29,720
Jefferson	30,000			30,000
Jerome	78,440			78,440
Kootenai	1,571,568			1,571,568
Latah	78,573			78,573
Lemhi	25,000			25,000
Lewis	25,000			25,000
Lincoln	25,000			25,000
Madison	25,000			25,000
Minidoka	53,132	25,000		78,132
Nez Perce	343,974			343,974
Oneida	25,000	25,000		50,000
Owyhee	75,000			75,000
Payette	213,546			213,546
Power	63,279	25,000		88,279
Shoshone	38,788			38,788
Teton	25,000			25,000
Twin Falls	622,483			622,483
Valley	67,821		2,175	69,996
Washington	46,500			46,500
Total	9,021,892	100,000	13,820	9,135,711

Public Defense Commission

Agency Profile

Analyst: Hoskins

FY 2019 PDC Distributions to Counties				
County	Formula Grants	Merger Incentive	Extraordinary Litigation Costs	Total Amount Distributed
Ada	1,240,120		5,313	1,245,433
Adams	25,000		3,200	28,200
Bannock	195,466			195,466
Bear Lake	25,000			25,000
Benewah	25,000			25,000
Bingham	53,075			53,075
Blaine	58,392		8,850	67,242
Boise	25,000			25,000
Bonner	147,120			147,120
Bonneville	198,998		4,800	203,798
Boundary	25,000		10,440	35,440
Butte	25,000			25,000
Camas	10,000			10,000
Canyon	479,943		3,500	483,443
Caribou	25,000			25,000
Cassia	65,004	25,000		90,004
Clark	25,000			25,000
Clearwater	28,346		109,939	138,285
Custer	25,000			25,000
Elmore	103,532			103,532
Franklin	25,000			25,000
Fremont	25,000			25,000
Gem	27,743			27,743
Gooding	60,702			60,702
Idaho	29,720			29,720
Jefferson	25,000			25,000
Jerome	76,975			76,975
Kootenai	478,729		33,222	511,951
Latah	70,730			70,730
Lemhi	25,000			25,000
Lewis	25,000			25,000
Lincoln				0
Madison	25,000			25,000
Minidoka	53,132	25,000	700	78,832
Nez Perce	143,974			143,974
Oneida	25,000	25,000	5,625	55,625
Owyhee	25,000			25,000
Payette	57,850			57,850
Power	25,000	25,000		50,000
Shoshone	38,788			38,788
Teton	25,000			25,000
Twin Falls	238,748			238,748
Valley	35,201		4,323	39,523
Washington	25,000			25,000
Total	4,392,288	100,000	189,912	4,682,200
Approp	4,452,600	150,000	423,100	5,025,700
Diff	60,312	50,000	233,188	343,500

Public Defense Commission

Analyst: Hoskins

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
OITS 2 – Servers and Licensing					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends this agency's onetime share of funding for software licensing, server infrastructure, and storage to expand system capabilities on core systems and to maintain agency-specific software.</i>					
Governor's Recommendation	0.00	1,100	0	0	1,100
2% General Fund Reduction & Exemptions					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends a 2% ongoing General Fund reduction across all object codes. To accomplish this reduction the Governor also recommends an exemption from Section 67-3511 (1), (2), and (3), Idaho Code, allowing unlimited transfers of all appropriated moneys among personnel costs, operating expenditures, capital outlay, and trustee and benefit payments, as well as between budgeted programs. This exemption requires legislative approval.</i>					
Governor's Recommendation	0.00	(229,800)	0	0	(229,800)
FY 2021 Total					
Agency Request	7.00	11,515,200	0	0	11,515,200
Governor's Recommendation	7.00	11,273,900	0	0	11,273,900
Agency Request					
Change from Original App	0.00	17,200	0	0	17,200
% Change from Original App	0.0%	0.1%			0.1%
Governor's Recommendation					
Change from Original App	0.00	(224,100)	0	0	(224,100)
% Change from Original App	0.0%	(1.9%)			(1.9%)

Public Defense Commission

Analyst: Hoskins

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Benefit Costs					
Employer-paid benefit changes include an 18.9% increase (or \$2,200 per eligible FTP) for health insurance, bringing the total appropriation to \$13,850 per FTP. Also included are a one-year elimination of the unemployment insurance rate, a restoration of the Division of Human Resources rate, and adjustments to workers' compensation that vary by agency.					
Agency Request	0.00	15,700	0	0	15,700
<i>The Governor recommends no increase for health insurance due to fewer claims than expected and changes to federal tax policies; a one-year elimination of the sick leave rate and the unemployment insurance rate; restoration of the Division of Human Resources rate; and adjustments for workers' compensation rates.</i>					
Governor's Recommendation	0.00	(2,600)	0	0	(2,600)
Inflationary Adjustments					
Inflationary adjustments include \$900 for rentals and operating leases (office space).					
Agency Request	0.00	900	0	0	900
Governor's Recommendation	0.00	900	0	0	900
Statewide Cost Allocation					
This request includes adjustments to recover the cost of services provided by other agencies in accordance with federal and state guidelines on cost allocation. Attorney General fees will increase by \$200, risk management costs will increase by \$100, and State Controller fees will increase by \$300, for a net increase of \$600.					
Agency Request	0.00	600	0	0	600
Governor's Recommendation	0.00	600	0	0	600
Change in Employee Compensation					
For calculation purposes, agencies were directed to include the cost of a 1% salary increase for permanent and temporary employees.					
Agency Request	0.00	5,600	0	0	5,600
<i>The Governor recommends a 2% increase in employee compensation, distributed on merit. He does not recommend a compensation increase for group and temporary positions.</i>					
Governor's Recommendation	0.00	11,200	0	0	11,200
FY 2021 Program Maintenance					
Agency Request	7.00	11,515,200	0	0	11,515,200
Governor's Recommendation	7.00	11,502,500	0	0	11,502,500
1. Salary Supplement					
The commission requests an ongoing, net-zero transfer of \$10,000 in General Fund operating expenditures to personnel costs in order to supplement the current salary allocation for two vacant positions: a research analyst, and a regional coordinator. The research analyst position was first authorized for FY 2020 and was funded with a \$49,100 salary. However, this position has been vacant since June of 2019 and the commission now believes a salary of approximately \$60,000 is necessary to fill it. The regional coordinator position is currently funded with an appropriation of \$68,700. The commission believes a salary of approximately \$75,000 is necessary to fill this position, as it would entail additional responsibilities. If funded, the commission would use the additional \$10,000 in personnel costs, requested here, in combination with existing excess personnel costs appropriation to provide the salary increases.					
Agency Request	0.00	0	0	0	0
<i>Recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
OITS 1 – Operating Costs					
Agency Request	0.00	0	0	0	0
<i>The Governor recommends this agency's share of ongoing funding to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus.</i>					
Governor's Recommendation	0.00	100	0	0	100

Public Defense Commission

Analyst: Hoskins

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2020 Original Appropriation					
The Legislature funded four line items for FY 2020: These included 1.00 FTP and \$83,100 for a research analyst; \$5,560,000 for workload standard compliance; \$15,000 for county public defender training; and \$3,700 for billing modernization.					
	7.00	11,498,000	0	0	11,498,000
Reappropriation					
The agency was provided onetime reappropriation authority for any unexpended trustee and benefit payments allocated for extraordinary litigation costs (ELC), for which the agency has an ongoing appropriation of \$423,100 from the General Fund.					
Agency Request	0.00	343,500	0	0	343,500
Governor's Recommendation	0.00	343,500	0	0	343,500
1. Reversion Correction					
Rather than reappropriating only the unused ELC funding (\$233,200) from FY 2019, the State Controller processed the reappropriation of all unused trustee and benefit payments (\$343,500). This adjustment accounts for the amount that should have been reverted at the end of FY 2019.					
Agency Request	0.00	(110,300)	0	0	(110,300)
Governor's Recommendation	0.00	(110,300)	0	0	(110,300)
Sick Leave Rate Reduction					
Agency Request	0.00	0	0	0	0
The Governor recommends a six-month reduction of funding for employers who contribute to the PERSI-managed sick leave plan. This reduction will begin to draw down the reserve balance, which has grown significantly during the past several years.					
Governor's Recommendation	0.00	(1,500)	0	0	(1,500)
1% Onetime General Fund Reduction					
Agency Request	0.00	0	0	0	0
The Governor recommends a onetime 1% General Fund rescission.					
Governor's Recommendation	0.00	(115,000)	0	0	(115,000)
FY 2020 Total Appropriation					
Agency Request	7.00	11,731,200	0	0	11,731,200
Governor's Recommendation	7.00	11,614,700	0	0	11,614,700
Removal of Onetime Expenditures					
This decision unit removes onetime amounts appropriated in FY 2020 for line item 1 (research analyst), which included \$500 in onetime operating expenditures for computer maintenance and configuration and \$5,100 in onetime capital outlay for computer equipment and office furniture. This adjustment also removes the onetime amount reappropriated for ELC (\$233,200).					
Agency Request	0.00	(238,800)	0	0	(238,800)
Governor's Recommendation	0.00	(238,800)	0	0	(238,800)
Restore Ongoing Rescissions					
Agency Request	0.00	0	0	0	0
The Governor recommends restoration of the 1% General Fund rescission and sick leave rate reduction.					
Governor's Recommendation	0.00	116,500	0	0	116,500
FY 2021 Base					
Agency Request	7.00	11,492,400	0	0	11,492,400
Governor's Recommendation	7.00	11,492,400	0	0	11,492,400

Public Defense Commission

Analyst: Hoskins

Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2020 Original Appropriation	7.00	11,498,000	11,498,000	7.00	11,498,000	11,498,000
Reappropriation	0.00	343,500	343,500	0.00	343,500	343,500
1. Reversion Correction	0.00	(110,300)	(110,300)	0.00	(110,300)	(110,300)
Sick Leave Rate Reduction	0.00	0	0	0.00	(1,500)	(1,500)
1% Onetime General Fund Reduction	0.00	0	0	0.00	(115,000)	(115,000)
FY 2020 Total Appropriation	7.00	11,731,200	11,731,200	7.00	11,614,700	11,614,700
Removal of Onetime Expenditures	0.00	(238,800)	(238,800)	0.00	(238,800)	(238,800)
Restore Ongoing Rescissions	0.00	0	0	0.00	116,500	116,500
FY 2021 Base	7.00	11,492,400	11,492,400	7.00	11,492,400	11,492,400
Benefit Costs	0.00	15,700	15,700	0.00	(2,600)	(2,600)
Inflationary Adjustments	0.00	900	900	0.00	900	900
Statewide Cost Allocation	0.00	600	600	0.00	600	600
Change in Employee Compensation	0.00	5,600	5,600	0.00	11,200	11,200
FY 2021 Program Maintenance	7.00	11,515,200	11,515,200	7.00	11,502,500	11,502,500
1. Salary Supplement	0.00	0	0	0.00	0	0
OITS 1 – Operating Costs	0.00	0	0	0.00	100	100
OITS 2 – Servers and Licensing	0.00	0	0	0.00	1,100	1,100
2% General Fund Reduction & Exemptions	0.00	0	0	0.00	(229,800)	(229,800)
FY 2021 Total	7.00	11,515,200	11,515,200	7.00	11,273,900	11,273,900
Change from Original Appropriation	0.00	17,200	17,200	0.00	(224,100)	(224,100)
% Change from Original Appropriation		0.1%	0.1%		(1.9%)	(1.9%)

Public Defense Commission

Analyst: Hoskins

FY 2019 Actual Expenditures by Division

			FTP	PC	OE	CO	T/B	LS	Total
0.30	FY 2019 Original Appropriation								
	0001-00	Gen	6.00	561,600	227,500	0	5,025,700	0	5,814,800
	Totals:		6.00	561,600	227,500	0	5,025,700	0	5,814,800
1.00	FY 2019 Total Appropriation								
	0001-00	Gen	6.00	561,600	227,500	0	5,025,700	0	5,814,800
	Totals:		6.00	561,600	227,500	0	5,025,700	0	5,814,800
1.21	Net Object Transfer								
	0001-00	Gen	0.00	(26,700)	22,400	4,300	0	0	0
	Totals:		0.00	(26,700)	22,400	4,300	0	0	0
1.61	Reverted Appropriation								
	0001-00	Gen	0.00	(18,000)	(5,200)	0	0	0	(23,200)
	Totals:		0.00	(18,000)	(5,200)	0	0	0	(23,200)
1.71	Current Year Reappropriation								
	0001-00	Gen	0.00	0	0	0	(343,500)	0	(343,500)
	Totals:		0.00	0	0	0	(343,500)	0	(343,500)
2.00	FY 2019 Actual Expenditures								
	0001-00	Gen	6.00	516,900	244,700	4,300	4,682,200	0	5,448,100
		General		516,900	244,700	4,300	4,682,200	0	5,448,100
	Totals:		6.00	516,900	244,700	4,300	4,682,200	0	5,448,100
Difference: Actual Expenditures minus Total Appropriation									
	0001-00	Gen		(44,700)	17,200	4,300	(343,500)	0	(366,700)
		General		(8.0%)	7.6%	N/A	(6.8%)	N/A	(6.3%)
	Difference From Total Approp			(44,700)	17,200	4,300	(343,500)	0	(366,700)
	Percent Diff From Total Approp			(8.0%)	7.6%	N/A	(6.8%)	N/A	(6.3%)

For More Information, Contact

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Public Defense Commission
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Performance Measure		FY2016	FY 2017	FY 2018	FY 2019	FY 2020
	target	Provide training for defending attorneys.	Provide training for defending attorneys.	Provide training for defending attorneys.	The PDC will host a PD Summit in FY2019, co-host the Federal Defenders seminar in September 2018 and provide at least one full day seminar on a specialized topic. The PDC will continue to provide scholarship funding to Idaho Defending attorneys to attend out-of-state trainings that will benefit the delivery of indigent defense services.	The PDC will present performance based CLE's and develop a Public Defense School and continue to partner with organizations to present CLEs relevant to public defense. The PDC will continue to provide scholarship funding to Idaho Defending attorneys to attend out-of-state and specialized trainings.
Goal 3 <i>The Public Defense Commission will collect accurate data regarding the provision of indigent defense services in order to provide appropriate recommendations to the Idaho legislature.</i>						
5. The Commission will work with stakeholders to establish a uniform definition of a "case."	actual	-----	In FY2017, the definition of case as promulgated as approved by the legislature and went into effect on May 1, 2017.	In FY2018, the PDC maintained the same definition of case as promulgated in FY2017. The PDC collected feedback that the definition was different than that of the Idaho Supreme Court.	A uniform definition of "case" was developed.	-----
	target	-----	Define "case."	Continue to work with stakeholders, including the ISC, on a uniform definition of a case	The PDC will continue to work with stakeholders to revise the definition of "case" as needed to ensure uniformity in the tracking and collecting of data.	The PDC will continue to work with stakeholders to revise and refine the definition of "case" as needed to ensure uniformity in the tracking and collecting of data

Performance Measure		FY2016	FY 2017	FY 2018	FY 2019	FY 2020
					Counsel records and roster to the PDC.	
	target		-----	-----	In FY2019, the PDC will monitor and enforce rules related to the qualifications required of defending attorneys who represent indigent defendants charged with capital crimes.	In FY2020, the PDC will continue to monitor and enforce rules and set standards related to the qualifications required of defending attorneys who represent indigent defendants charged with capital crimes.
4. Present substantive and relevant trainings for defending attorneys.	actual	The PDC hosted four (4) trainings for defending attorneys, including mental health, child protection and immigration specific trainings. The PDC provided 28.5 CLE credit hours to over 200 defending attorneys at no cost to those attorneys.	The PDC co-hosted one training with Federal Defenders, co-hosted one training with IACDL, and self-hosted two trainings on child protection and DUI, respectively, 350 defending attorneys slots were filled at these trainings and a total of 32 CLE credit hours were available at no cost to defending attorneys. Scholarships were provided to 8 attorneys to attend non-PDC trainings	The PDC co-hosted the Federal Defenders seminar in Sept. 2017, co-hosted the IACDL Sun Valley Seminar in April 2018, co-hosted the WJDC Leadership Summit in May 2018 and hosted a 1-hour webinar on reading medical records. The PDC continued to provide scholarships for defending attorneys to attend trainings not available in Idaho.	The PDC partnered with other organizations to present the Public Defender Summit (August 2018), Sun Valley Seminar (April 2019) and the Western All-Star Conference (September 2018). The PDC continued to provide scholarships for defending attorneys to attend out-of-state and specialized trainings.	-----

Performance Measure		FY2016	FY 2017	FY 2018	FY 2019	FY 2020
2. The PDC will engage in negotiated rulemaking in FY2017 to propose a rule pursuant to Idaho Code 19-850(1)(a)(vii) regarding workloads of defending attorneys.	actual		In April 2017, the PDC filed a Notice of Intent to Promulgate rules related to the workloads of defending attorneys. Due to a delay in the progress of the Idaho Workload Study, negotiated rulemaking did not proceed as planned.	In April 2018, the PDC filed Notice of Intent to Negotiate rules related to the workloads of defending attorneys. During April and June, the PDC held 14 public meetings across the State to engage and negotiate the rule with stakeholders.	The PDC's pending rule regarding Workload Compliance was presented to the Legislature for approval. All rules are currently temporary or proposed. Funds were appropriated by the Legislature for Counties to comply the Workload Standards.	-----
	target	-----	<i>Engage in negotiated rulemaking for the creation of a workload standard.</i>	<i>Engage in negotiated rulemaking for the creation of a workload standard</i>	<i>In FY2019, the PDC will continue and finalize rulemaking in this area and seek legislative approval of Docket 61-0108-1801.</i>	
3. The Commission will strive to ensure that defending attorneys are qualified to represent indigent clients charged with a capital crime where representation is provided by statute or under the state or federal constitution.	actual		In April 2017, the PDC filed a notice of intent to promulgate rules related to standards for defending attorneys who represent indigent defendants charged with capital crimes.	In FY2018, a pending rule was submitted to the Legislature for final approval. The rule was approved.	The Capital Counsel Roster Committee reviewed applications for the Capital Counsel Roster to determine whether applicants met qualifications. On April 1, 2019, the PDC assumed responsibility for the Capital Counsel Roster and the Idaho Supreme Court transferred its current Capital	-----

Red Tape Reduction Act

Each agency shall incorporate into its strategic plan a summary of how it will implement the Red Tape Reduction Act, including any associated goals, objectives, tasks, or performance targets. This information may be included as an addendum.

	As of July 1, 2019
Number of Chapters	7
Number of Words	21,518
Number of Restrictions	170

Part II – Performance Measures

Performance Measure		FY2016	FY 2017	FY 2018	FY 2019	FY 2020
Goal 1						
<i>The PDC will create a 5-year plan to adopt and enforce indigent defense standards.</i>						
1. Incrementally, the Commission will create rules establishing the standards and guidelines pursuant to IPIDDS.	actual		In FY2017, the PDC engaged in negotiated rulemaking, created proposed rules and submitted pending rules to the legislature for approval.	In FY2018, the PDC engaged in negotiated rulemaking, created proposed rules and submitted pending rules to the legislature for approval.	In FY 2019, The PDC began negotiated rulemaking regarding the principles of Resource Equity and Independence from Judicial and Political Influence. Meetings were held in all 7 judicial districts and the process will continue into FY 2020.	-----
	target		<i>Engage in Negotiated Rulemaking</i>	<i>Engage in negotiated rulemaking</i>	<i>The PDC will conclude several Dockets and present final rules to the Legislature for approval.</i>	<i>Engage in negotiated rulemaking.</i>

Profile of Cases Managed and/or Key Services Provided

Cases Managed and/or Key Services Provided	FY 2016	FY 2017	FY 2018	FY2019
MCLE Trainings for indigent defending attorneys.	The PDC hosted 4 training seminars in FY2016: (1) Child Protection and Termination of Parental Rights Conference, 5.75 CLE credits for each of 30 attendees from 15 counties representing all 7 Judicial Districts; (2) Joint IACDL Sun Valley Conference, 10.75 CLE credits for each of 130 attendees from 28 counties representing all 7 Judicial Districts; (3) Mental Health and Involuntary Civil Commitment Conference, 6 CLE credits for each of 33 attendees from 17 counties, representing all 7 Judicial Districts; and (4) Immigration Consequences of Criminal Convictions, 6 CLE credits for each of 31 attendees from 11 counties representing 6 Judicial Districts.	The PDC sponsored one training seminar with 11.75 CLE credits each for 111 attendees from 29 counties, co-hosted the IACDL Sun Valley Conference with 9.5 CLE credits for 134 attendees from 32 counties, hosted one DUI training with 6 CLE credits each for 65 attendees from 26 counties and hosted a Child Protection training with 6.5 CLE credits each for 41 attendees from 18 counties. Every Judicial District had attendees at each of the four trainings	The PDC provided several more training opportunities for Idaho's defending attorneys, co-hosting the IACDL Sun Valley Conference, sending defending attorneys to the Federal Defenders annual fall seminar, co-hosting the WJDC Leadership Summit and hosting a 1-hour webinar regarding the reading of medical records. These training seminars provided 30 CLE credits in total. Over 130 attorneys from all of Idaho's seven Judicial Districts attended the seminars.	The PDC co-sponsored three continuing legal education programs for Idaho defending attorneys. The Commission partnered with IACDL for the Sun Valley Seminar, NACDL for the Idaho Public Defender Summit and the Federal Defenders Services of Idaho for the Western All-Star Conference. annual fall seminar. A total of 301 defending attorneys participated in the three trainings.

4. Economic disincentives or incentives that impair defending attorneys' ability to provide effective representation should be avoided.
 5. Defending attorneys' abilities, training and experience should match the nature and complexity of the cases in which they provide services including, but not limited to, cases involving complex felonies, juveniles and child protection.
 6. The defending attorney assigned to a particular case should, to the extent reasonably practicable, continuously oversee the representation of that case and personally appear at every substantive court hearing.
 7. There should be reasonable equity between defending attorneys and prosecuting attorneys with respect to resources, staff and facilities.
 8. Defending attorneys should obtain continuing legal education relevant to their indigent defense cases.
 9. Defending attorneys should be regularly reviewed and supervised for compliance with indigent defense standards and, if applicable, compliance with indigent defense standards as set forth in contractual provisions.
 10. Defending attorneys should identify and resolve conflicts of interest in conformance with the Idaho rules of professional conduct and other applicable constitutional standards.
- Violation of or noncompliance with the principles listed in this subparagraph does not constitute ineffective assistance of counsel under the constitutions of the United States or the state of Idaho and does not otherwise constitute grounds for post-conviction relief.

(b) On or before January 20, 2015, and by January 20 of each year thereafter as deemed necessary by the commission, make recommendations to the Idaho legislature for legislation on public defense system issues including, but not limited to:

- (i) Enforcement mechanisms; and
- (ii) Funding issues including, but not limited to, formulas for the calculation of local shares and state indigent defense grants.

(c) Review indigent defense providers and defending attorneys to evaluate compliance with indigent defense standards and the terms of state indigent defense grants.

(d) Notwithstanding the provisions of paragraph (a)(iv) of this subsection, establish temporary procedures and model forms by which counties may apply to the commission for state indigent defense grants pursuant to section 19-862A, Idaho Code, to be utilized until rules promulgated pursuant to paragraph (a)(iv) of this subsection are in full force and effect. Such temporary procedures shall not be subject to administrative or judicial review.

(e) Hold at least one (1) meeting in each calendar quarter.

Revenue and Expenditures

Revenue	FY 2016	FY 2017	FY2018	FY 2019
General Fund	\$308,300	\$5,796,900	\$5,931,300	\$5,814,800
Total	\$308,300	\$5,796,900	\$5,931,300	\$5,814,800
Expenditures	FY 2016	FY 2017	FY2018	FY 2019
Personnel Costs	\$56,700	\$294,706	\$552,600	\$516,800
Operating Expenditures	\$134,000	\$293,563	\$304,300	\$244,600
Capital Outlay	\$19,300	\$11,236	\$0	\$4,440
Trustee/Benefit Payments	\$0	\$4,046,335	\$4,351,200	\$4,682,200
Total	\$210,000	\$4,645,840	\$5,208,100	\$5,448,000

Part I – Agency Profile

Agency Overview

The State Public Defense Commission (PDC) was established in 2014 as a means to improve the delivery of indigent legal defense services throughout the state. The Commission strives to ensure that the safeguards of the Sixth Amendment to the United States Constitution and Article I, Sect. 13 of the State Constitution are met. The Commission will collect data, support compliance with standards, provide training, and administer grants to achieve fair and just representation of the accused. In the words of Thomas Jefferson, “The price of freedom is eternal vigilance.” In that effort, the Commission:

- Maintains standards to ensure that defending attorneys are providing representation within the safeguards of the Sixth Amendment to the U.S. Constitution;
- Serves as a clearinghouse of information for stakeholders;
- Administers and allocates funds appropriated by the Legislature to Counties to ensure compliance with indigent defense standards;
- Provides training to defending attorneys;
- Establishes administrative rules regarding indigent defense as directed by statute; and
- Keeps the legislature informed of any Sixth Amendment issues related to enforcement and funding.

Core Functions/Idaho Code

The Public Defense Commission was established with a clear mandate codified in Idaho Code §19-848 through §19-850. The Commission was established at the beginning of FY 2015.

The statutory mandate and authority of the PDC is clearly set forth in I.C. §19-850. The PDC has been charged with the following:

(a) Promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, establishing the following:

- (i) Training and continuing legal education requirements for defending attorneys, which shall promote competency and consistency in case types including, but not limited to, criminal, juvenile, capital, abuse and neglect, post-conviction, civil commitment and criminal contempt;
- (ii) Uniform data reporting requirements and model forms for the annual reports submitted pursuant to section 19-864, Idaho Code, which shall include, but not be limited to, caseload, workload and expenditures;
- (iii) Model contracts and core requirements for contracts between counties and private attorneys for the provision of indigent defense services, which shall include, but not be limited to, compliance with indigent defense standards;
- (iv) Procedures and forms by which counties may apply to the commission, pursuant to section 19-862A, Idaho Code, for funds to be used to bring their delivery of indigent defense services into compliance with applicable indigent defense standards;
- (v) Procedures for administrative review and fair hearings in accordance with the Idaho administrative procedure act, which shall include, but not be limited to, providing for a neutral hearing officer in such hearings;
- (vi) Procedures for the oversight, implementation, enforcement and modification of indigent defense standards so that the right to counsel of indigent persons, as provided in section 19-852, Idaho Code, is constitutionally delivered to all indigent persons in this state; and
- (vii) Standards for defending attorneys that utilize, to the extent reasonably practicable taking into consideration factors such as case complexity, support services and travel, the following principles:
 - 1. The delivery of indigent defense services should be independent of political and judicial influence, though the judiciary is encouraged to contribute information and advice concerning the delivery of indigent defense services.
 - 2. Defending attorneys should have sufficient time and private physical space so that attorney-client confidentiality is safeguarded during meetings with clients.
 - 3. Defending attorneys' workloads should permit effective representation.

Public Defense Commission

Agency Profile

Organizational Chart

Analyst: Hoskins



7.00 FTP

2.00 Vacant as of November 1, 2019

Performance Report:

<https://dfm.idaho.gov/publications/bb/perfreport/>

Audit(s):
N/A

Public Defense Commission

Analyst: Hoskins

Historical Summary

OPERATING BUDGET	FY 2019 Total App	FY 2019 Actual	FY 2020 Approp	FY 2021 Request	FY 2021 Gov Rec
BY FUND CATEGORY					
General	5,814,800	5,448,100	11,498,000	11,515,200	11,273,900
Percent Change:		(6.3%)	111.0%	0.1%	(1.9%)
BY OBJECT OF EXPENDITURE					
Personnel Costs	561,600	516,900	649,800	681,100	655,400
Operating Expenditures	227,500	244,700	257,400	248,400	244,500
Capital Outlay	0	4,300	5,100	0	0
Trustee/Benefit	5,025,700	4,682,200	10,585,700	10,585,700	10,374,000
Total:	5,814,800	5,448,100	11,498,000	11,515,200	11,273,900
Full-Time Positions (FTP)	6.00	6.00	7.00	7.00	7.00

Division Description

The Public Defense Commission was created by statute in 2014. Pursuant to Section 19-849, Idaho Code, the commission consists of nine members as follows:

- 1) Two members of the Idaho Legislature, one from each chamber;
- 2) One person appointed by the Chief Justice of the Idaho Supreme Court; and
- 3) Six people appointed by the Governor, to include representatives from the Idaho Association of Counties (2), Office of the State Appellate Public Defender (1), and Juvenile Justice Commission (1), as well as attorneys with experience defending indigent persons (2).

The commission is charged with promulgating administrative rules regarding public defender training and continuing legal education; data reporting; requirements for contracts between counties and private attorneys for the provision of public defense services; procedures for grant applications with which counties can apply for state funds to offset the cost of compliance with indigent defense standards; procedures for administrative review of commission decisions; and procedures for the creation, oversight, implementation, enforcement, and modification of indigent defense standards with which public defenders must comply.

The commission is also charged with making recommendations to the Idaho Legislature regarding funding issues and formulas.

The commission is permitted to hire an executive director; employ persons in addition to the executive director; provide an office, equipment, and facilities for the proper performance of the duties of the commission and/or the duties of the executive director and other personnel; provide training to public defenders; establish procedures by which counties may apply for extraordinary litigation costs; and hire private counsel to represent the commission.